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Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice, President and judges of the International Residual Mechanism for Criminal Tribunals and judges and ad litem judges of the International Tribunal for the Former Yugoslavia

Report of the Advisory Committee on Administrative and Budgetary Questions

Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice, President and judges of the International Residual Mechanism for Criminal Tribunals and judges and ad litem judges of the International Tribunal for the Former Yugoslavia (A/71/201). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, which concluded with written responses dated 6 October 2016.

2. The report of the Secretary-General was submitted pursuant to General Assembly resolution 65/258, in which the Assembly decided to re-establish a three-year cycle for the review of the conditions of service and compensation for the members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. In its decisions 66/556 B, 68/549 A and 69/553 A, the Assembly deferred, ultimately to its seventy-first session, its consideration of the related documents.

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3. The report of the Secretary-General did not cover the judges and ad litem judges of the International Criminal Tribunal for Rwanda, given that the Tribunal concluded its work on 31 December 2015 (A/71/201, para. 2).

Remuneration

4. Article 32 of the Statute of the International Court of Justice provides that each member of the Court shall receive an annual salary and that the salaries and allowances shall be fixed by the General Assembly and may not be decreased during the term of office. Ad hoc judges receive compensation for each day on which they exercise their functions, defined as one three-hundred-and-sixty-fifth of the sum of the annual base salary and interim cost-of-living supplement payable at the time to a member of the Court. The post adjustment system introduced in paragraph 7 of Assembly resolution 61/262 would also apply to ad hoc judges (A/71/201, paras. 4, 6 and 7).

5. With regard to the International Tribunal for the Former Yugoslavia, in his report, the Secretary-General indicated that article 13 of its statute provides that the terms and conditions of service of its judges shall be as they are for the judges of the International Court of Justice. There are presently no ad litem judges serving in the International Tribunal for the Former Yugoslavia whose emoluments and other conditions of service are as endorsed by the General Assembly in its resolution 55/249, with an annual salary prorated for length of service (A/71/201, paras. 9 and 11).

6. Article 8 of the Statute of the International Residual Mechanism for Criminal Tribunals stipulates that the terms and conditions of service of the judges for each day on which they exercise their functions for the Mechanism shall be those of the ad hoc judges of the International Court of Justice, whereas the terms and conditions of service of the President of the Mechanism shall be those of the judges of the International Court of Justice (A/71/201, para. 13).

7. The Secretary-General proposed that no change be effected to the current system of remuneration and indicated that General Assembly resolution 70/244, in which the Assembly had approved the unified base/floor salary scale structure for staff in the Professional and higher categories, with effect from 1 January 2017, would not have an impact on the salaries of the members of the Court, the judges of the Tribunal, and the President and judges of the Mechanism (A/71/201, paras. 44 and 45). **The Advisory Committee has no objection to the proposal made by the Secretary-General.**

Other conditions of service

8. In paragraphs 20 to 43 of his report, the Secretary-General set out the other conditions of service of the judges, including the special allowance for the Presidents and Vice-Presidents when acting as President, assistance with education costs, survivors' benefits, travel and subsistence regulations, relocation allowance, and pension rights of ad litem judges of the Tribunals.

9. The proposals on a pension scheme for the members of the International Court of Justice and the judges of the two Tribunals are contained in the report of the Secretary-General on the comprehensive review of the pension schemes for the

members of the International Court of Justice and judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/66/617). The Advisory Committee considered the report, and its recommendations and observations are set out in its related report (A/66/709). In its decisions 66/556 B, 68/549 A and 69/553 A, the General Assembly deferred, ultimately to its seventy-first session, its consideration of those reports (A/71/201, paras. 38 and 40).

10. In his report, the Secretary-General proposed that no changes be effected to the other conditions of service of the judges. The Secretary-General also proposed that the revised education grant scheme for staff members in the Professional and higher categories, adopted by the General Assembly in its resolution 70/244, which is to be introduced as of the school year in progress on 1 January 2018, be extended to the members of the International Court of Justice, the judges of the International Tribunal for the Former Yugoslavia and the President of the International Residual Mechanism for Criminal Tribunals (A/71/201, para. 48).

11. In addition, in line with the new relocation package for staff in the Professional and higher categories, adopted by the General Assembly in its resolution 70/244 and effective from 1 July 2016, the Secretary-General proposed that the language of the travel and subsistence regulations applicable to the members of the International Court of Justice, the judges of the International Tribunal for the Former Yugoslavia and the President of the International Residual Mechanism for Criminal Tribunals be updated and that the reference to "assignment grant" be revised to make reference to the "settling-in grant" provisions applicable to senior officials of the Secretariat of the United Nations. The Secretary-General noted the changes to the entitlement for relocation shipment under the new relocation package approved by the General Assembly in its resolution 70/244 (A/71/201, para. 50).

12. In his report, the Secretary-General indicated that no budgetary implications would arise under the programme budget for the biennium 2016-2017 in relation to his proposals (A/71/201, para. 53). Upon enquiry, however, the Advisory Committee was informed that the proposals relating to the revised education grant scheme and the new relocation package represented expected cost reductions with regard to international staff, and the Secretariat would anticipate a similar downward trend with regard to the cost of the education grant scheme and relocation package of the judges. The Committee was also informed that the actual expenditures would be reported in the context of the first and second performance reports for the biennium 2016-2017. **Taking into account the expected cost reductions resulting from the proposals relating to the revised education grant scheme and the new relocation package, the Advisory Committee has no objection to the proposals made by the Secretary-General.**

13. In paragraph 55 of his report, the Secretary-General indicated that, in accordance with General Assembly resolution 65/258, the next comprehensive review of the conditions of service and compensation for the members of the International Court of Justice, the President and judges of the International Residual Mechanism for Criminal Tribunals and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia would be undertaken during the course of the seventy-fourth session of the Assembly. **The Advisory Committee reiterates its view that the three-year cycle established by the Assembly in resolution 45/250 A is the appropriate review period.**